

August 21, 2019

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VIA CM/ECF FILING

The Hon. David W. Hercher
1050 SW 6th Ave., #700
Portland, OR 97204

Re: U.S. Bankruptcy Court for the District of Oregon Case Nos. 19-31883-dwh11 (*In re 15005 NW Cornell LLC*) and 19-31886-dwh11 (*In re Vahan M. Dinihanian, Jr.*); Debtors' Motion for Relief from Stay to Proceed with Non-Bankruptcy Action in Washington County, Case No. 18CV17059

Dear Judge Hercher:

At your request, attached is a proposed order granting relief from the automatic stay for the Debtor to proceed with the partition litigation in Washington County, Oregon. The proposed order has been narrowed in scope to address many of the issues that were raised at the hearing on the motion. Namely, the proposed order makes clear that any sale of estate assets remains under the exclusive jurisdiction of this Court, and that the automatic stay remains in effect to preclude any efforts to enforce a judgment issued by the Circuit Court. The proposed order also preserves debtors' rights to subsequently seek a sale of assets pursuant to 11 U.S.C. §§ 363(b) or (h) and for the debtors' right to seek to avoid prepetition interests or transfers associated with the property.

We look forward to working through additional issues you may have at the hearing on Friday morning.

Very truly yours,



Douglas R. Pahl

DRP

Enclosure

cc: Nicholas J. Henderson (via CM/ECF transmission)
Stephen P. Arnot (via CM/ECF transmission)
Bruce H. Orr (via CM/ECF transmission)
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10 UNITED STATES BANKRUPTCY COURT
11 FOR THE DISTRICT OF OREGON

12 In re
13 15005 NW CORNELL LLC, and
14 VAHAN M. DINIHANIAN, JR.
15 Debtors.¹

Bankruptcy Case Nos.:
19-31883-dwh11 (Lead Case)
19-31886-dwh11
Jointly Administered Under
Case No. 19-31883-dwh11

17 **ORDER GRANTING DEBTORS' MOTION**
18 **FOR RELIEF FROM STAY TO PROCEED**
19 **WITH NON-BANKRUPTCY ACTION IN**
WASHINGTON COUNTY, CASE NO.
18CV17059

20 THIS MATTER having come before the Court on Debtors' Motion for Relief from Stay in
21 Washington County Case No. 18CV17059 filed by 15005 NW Cornell LLC and Vahan M. Dinihanian,
22 Jr. (collectively, "**Debtors**"). The Court having reviewed the motion, considered the Objection of Tasha
23 Teheranai-Ami, in her capacity as the Trustee of the Sonja Dinihanian GST Trust DTS 1/1/11, and the
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26 ¹ The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: 15005 NW Cornell LLC (5523) and Vahan M. Dinihanian, Jr. (0871).

arguments of counsel at the hearing held August 19, 2019, and being otherwise duly advised, now,
therefore,

IT IS HEREBY ORDERED as follows:

Debtors' *Motion for Relief from Automatic Stay to Proceed with Non-Bankruptcy Action in Washington County, Case No. 18CV17059*, dated June 28, 2019, is granted as follows:

1. The bankruptcy stay shall be lifted to allow the Circuit Court of the State of Oregon for the County of Washington (the "Circuit Court"), with the participation of the parties thereto, to proceed with *15005 NW Cornell LLC v. Cornell Rd. LLC, et. al*, Case No. 18CV17059 (the "Partition Litigation"), for the limited purposes of (a) issuing findings of fact and conclusions of law with respect to whether a partition in kind is the appropriate remedy in the Partition Litigation and the supplemental land use information the Circuit Court deems necessary to implement such a remedy, (b) allowing the associated land use planning processes the Circuit Court deems necessary for an appropriate in-kind partition to proceed, and (c) issuing findings of fact and conclusions of law setting forth the partition in kind, including proposed documents implementing partitioned legal ownership.

2. This Order does not constitute relief from the automatic stay to enforce any such proposed findings of fact or conclusions of law issued by the Circuit Court. This Court retains all jurisdiction to issue a final, non-appealable order as to the disposition of estate-owned assets.

3. This Order shall not constitute a waiver of Debtors' rights to pursue before this Court the sale of a non-debtor party's interests in such property pursuant to 11 U.S.C. § 363. Nor does this order constitute a waiver of Debtors' rights to seek to avoid any prepetition transfer or interest was subject to avoidance.

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I certify that I have complied with the requirements of LBR 9021-1(a).

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1 Presented By:

2 **PERKINS COIE LLP**

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